HON'BLE SRI JUSTICE V.V.S.RAO

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WRIT PETITION No.25745 of 2006

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Dated:13.12.2006

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Between:

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A.Anjaiah.

…Petitioner

and

The Sub-Registrar and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

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WRIT PETITION No.25745 of 2006

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ORDER:

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This Writ Petition is filed seeking a writ of mandamus directing the first respondent to cancel the registration made in favour of the third respondent in respect of the property in Plot No.34 admeasuring 200 square yards comprised in Survey No.232 of Ward No.4, Block No.8, situated at Bagh Hayath Nagar Village in Ranga Reddy District.

The petitioner purchased land admeasuring 400 square yards in Survey Nos.33 and 34 situated at Bagh Hayat Nagar Village from Tikka Narasimha Rao under an Agreement of Sale-cum-General Power of Attorney, which was registered as Document No.8103/99. It is the case of the petitioner that his vendor purchased the property under registered sale deed bearing Document No.11951/88 from Yashiki Ram Das Goud. The petitioner now alleges that the second respondent sold the

land to the third respondent under a registered sale deed bearing Document No.8325/02 in collusion with the first respondent. The petitioner came to know about such sale when he obtained Encumbrance Certificate from the Office of the first respondent. Therefore, he filed the present Writ Petition seeking a writ of mandamus directing the first respondent to cancel the registration made by the second respondent in favour of the third respondent.

After hearing the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General-T), this Court is of considered opinion that a Writ Petition is not maintainable. A direction to the registering authority to cancel a registered document registered earlier cannot be granted. In **Property Association of Baptist Churches v. Sub Registrar, Jangoan**, this Court considered this question. After referring to the provisions of Part-XI of the Registration Act, 1908, as well as Rule 58 of the Andhra Pradesh Rules under the Registration Act, 1908, this Court observed as under.

> A reading of the above provisions would show that the power of the registering officer is limited to enquire into the validity of the document brought to him for registration or to enquiry into any written or verbal protest against the registration of a document based on the ground that the executing party has no right to execute the document. The limited power of the registering officer to enquire into objections that the executing party had no right to execute document get extinguished the moment the document is registered. No such power inheres in the registering officer or the District Registrar to cancel the sale deed, unless another document for cancellation is presented with proper stamp duty and registration charges. A party aggrieved by a registered document on conveyance has to file civil suit seeking appropriate declaration under Section 34 of the Specific Relief Act, read with Article 59 of the Schedule under the Limitation Act 1963 (Act 36 of 1963). The Writ Petition is not a proper remedy.

The judgment in **Property Association of Baptist Churches v. Sub Registrar, Jangoan** (supra), was approved by the Division Bench in W.A.No.1486 of 2004 dated 11.10.2004, which was noticed by a Full Bench of this Court in **Yanala Malleshwari v. Ananthula Sayamma**. Therefore, this Writ Petition is misconceived. If so advised, the petitioner may file appropriate suit seeking declaration under Section 34 of the Specific Relief Act, 1963. In this Writ Petition no relief can be granted.

The Writ Petition is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

13.12.2006

vs